

EXECUTIVE COUNCIL OF IOWA

MINUTES

MARCH 7, 2011

The Executive Council met in regular session at 10:02 a.m. Room G09 of the Capitol Building with Governor Terry Branstad presiding. Secretary of State Matt Schultz, Auditor of State David Vaudt, State Treasurer Michael Fitzgerald and Secretary of Agriculture William Northey were present.

Regular session
March 7, 2011

Moved by Auditor Vaudt and seconded by Secretary Schultz that the Council approve the minutes of the Executive Council meeting held February 28, 2011.

Minutes
Approved

The vote: Ayes: Governor Branstad
 Secretary Schultz
 Auditor Vaudt
 Treasurer Fitzgerald
 Secretary Northey
 Nays: None

Catherine Bierling, Department of Economic Development was present to request a new membership in C2ER – Council for Community and Economic Research for one year in the amount of \$500.00.

Approved New
Memberships

Moved by Secretary Northey and seconded by Auditor Vaudt that the Council approve request.

The vote: Ayes: Governor Branstad
 Secretary Schultz
 Auditor Vaudt
 Treasurer Fitzgerald
 Secretary Northey
 Nays: None

Roger Utman Department of Education was be present to request a new membership in National Alliance of Concurrent Enrollment Partnerships (NACEP) for one year in the amount of \$125.00

Moved by Secretary Schultz and seconded by Auditor Vaudt that the Council approve request.

The vote:	Ayes:	Governor Branstad Secretary Schultz Auditor Vaudt Treasurer Fitzgerald Secretary Northey
	Nays:	None

Moved by Auditor Vaudt and seconded by Secretary Schultz that the Council approves the requests for Other Than Federal Funds, Federal Funds and supplemental as listed in the office of the Secretary.

Approved Out-Of-State Travel

The vote:	Ayes:	Governor Branstad Secretary Schultz Auditor Vaudt Treasurer Fitzgerald Secretary Northey
	Nays:	None

Moved by Treasurer Fitzgerald and seconded by Auditor Vaudt that the Council approve the request from the Attorney General's Office to include Mr. Rick Pack as an expert witness in the criminal and civil cases with regard to the Iowa Film Office. Payment and expenses will be covered Under Iowa Code §7D.10.

Approved
Payment for
Expenses Under
Iowa Code
§7D.10

The vote:	Ayes:	Governor Branstad Secretary Schultz Auditor Vaudt Treasurer Fitzgerald Secretary Northey
	Nays:	None

Moved by Secretary Schultz and seconded by Treasurer Fitzgerald that the Council approve the request from the Department of Justice, Attorney General's office as follows:

Approved
Outside
Counsel

The Department of Justice, Attorney General's office pursuant to Iowa Code section 13.7 request for approval to retain Special Outside Counsel to assist in the negotiation of an oil and gas lease for property owned by the State of Iowa in Wyoming. All fees and expenses will be paid by the Department of Cultural Affairs from the Herrick Fund.

Firm: Hirst Applegate
Attorney: Ms. Lindsay Wozniak
1720 Carey Avenue, Suite 200
Cheyenne, WY 82003
Rate: \$200.00 per hour, plus expenses
\$1,000.00 cap.

The vote: Ayes: Governor Branstad
Secretary Schultz
Auditor Vaudt
Treasurer Fitzgerald
Secretary Northey
Nays: None

Moved by Auditor Vaudt and seconded by Treasurer Fitzgerald that the Council approve the request from the Department of Justice, Attorney General's office as follows:

The Department of Justice, Attorney General's office request for retention of Special Outside Counsel to provide legal services on issues related to the EB5 Program and to utilize Stephen Yale-Loehr, Miller Mayer, LLP, Ithaca, NY if necessary at the rate of \$525.00 per hour. All expenses will be paid by the Department of Economic Development.

Firm: Davis, Brown, Koehn, Shors & Roberts, P.C.
215 10th Street, Suite 1300
Des Moines, IA 50309
Rate: \$110.00 - \$290.00

The vote: Ayes: Governor Branstad
Secretary Schultz
Auditor Vaudt
Treasurer Fitzgerald
Secretary Northey
Nays: None

Deferred approval of The Department of Justice, Attorney General's office request to retain Special Outside Counsel to provide legal advise on tax issues related to the 2009 and 2010 series of I-Jobs bonds, pending receipt of additional information to be provided at the March 21, 2011 Executive Council meeting.

Deferred
Outside
Counsel
Request

Moved by Auditor Vaudt and seconded by Secretary Northey that the Council approve the following leases:

Approved
Leases

- A. Lease between Inspections and Appeals, State Public Defender Office and Omni Centre Council Bluffs, IA
Date of Lease: April 1, 2011 - March 31, 2016
Description: The total amount of rented space for the State Public Defender Office is 5,500 square feet. For the lease renewal term commencing in April 2011, the annual cost will be \$9.86 per square foot, per year, or approximately \$4,519.17 per month. The Tenant will also pay an additional \$334.37 for the cost of Tenant Improvements. The annual cost of this lease is approximately \$58,242.00 and the total cost of this lease is approximately \$291,212.00.
- B. Lease between Inspections and Appeals, Child Advocacy Board and Davenport Jaycee Foundation Davenport, IA
Date of Lease: November 1, 2010 - June 30, 2011
Description: The total amount of rented space is 1,523 square feet. For the lease renewal term commencing in November 2010, the annual cost will be approximately \$6.33 per square foot, per year or \$803.38 per month. The total cost of this lease is approximately \$6,427.00. There is no increase in the cost per square foot over the prior 1-year lease term.

The vote: Ayes: Governor Branstad
 Secretary Schultz
 Auditor Vaudt
 Treasurer Fitzgerald
 Secretary Northey
 Nays: None

Moved by Auditor Vaudt and seconded by Secretary Northey that the Council approve the following cost items:

Approved Cost
Items

- A. Wandro & McCarthy, P.C.\$7,700.00
2501 Grand Avenue, Suite B
Des Moines, IA 50312
- B. Nyemaster, Goode, West, Hansell & O'Brien, P.C.....\$2,005.00
700 Walnut Street
Suite 1600
Des Moines, IA 50309
Collections of Accounts in Court

- C. Dow, Lohnes PLLC.....\$1,112.52
1200 New Hampshire Ave NW Suite 800
Washington, DC 20036
Iowa Public Television
- D. Coppola, McConville, Coppola, Hockenberg & Scalise, P.C.....\$831.40
2100 Westown Parkway, Suite 210
West Des Moines, IA 50265-1539
Campaign Contributions from Fort Dodge Gambling Interests to Governor Culver
- E. Coppola, McConville, Coppola, Hockenberg & Scalise, P.C.\$5,000.00
2100 Westown Parkway, Suite 210
West Des Moines, IA 50265-1539
Mortgage Industry Practices
- F. Hogan & Hartson LLP.....\$1,349.53
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004
National Indian Gaming Commission

The vote: Ayes: Governor Branstad
Secretary Schultz
Auditor Vautt
Treasurer Fitzgerald
Secretary Northey

Nays: None

Moved by a Auditor Vautt and seconded by Secretary Schultz that the Council approve the following renewal memberships:

Approved
Renewal
Memberships

- A. Agriculture in The Central Plant Board in the amount of \$1,100.00 for January 1 - December 31, 2011.
- B. Commerce - Banking in American Association of Residential Mortgage Regulators (AARMR) in the amount of \$750.00 for January 1 - December 31, 2011.
- C. Health in National Alliance of State and Territorial AIDS Directors (NASTAD) in the amount of \$4,300.00 for January 1 - December 31, 2011.
- D. Iowa Finance Authority in Government Finance Officers Association in the amount of \$150.00 for April 2011 - March 2012.

E. Iowa Finance Authority in National Association of Housing & Redevelopment Officials (NAHRO) in the amount of \$660.00 for March 1, 2011 - February 29, 2012.

F. Transportation in Intelligent Transportation Systems (ITS) Heartland in the amount of \$3,000.00 for January 1 - December 31, 2011.

The vote: Ayes: Governor Branstad
 Secretary Schultz
 Auditor Vaudt
 Treasurer Fitzgerald
 Secretary Northey
 Nays: None

Moved by Auditor Vaudt and seconded by Secretary Northey that the Council approve the following procedures and forms pertaining to House File 45.

Approved
Procedures and
Forms regarding
House File 45

Executive Council
Waiver for Out of State Travel
Fact Sheet 3/7/2011

Summary: From March 7 until June 30, 2011, House File 45 requires all out-of-state travel that is funded in whole or in part by a state appropriation be authorized by a waiver from the Executive Council. Without the waiver, travel shall not be approved or paid for an employee.

Effective Date: March 7, 2011

Travel Covered: All out-of-state travel funded in whole or in part by a state appropriation (other than federal funds) requires the waiver. This includes, but is not limited to, travel for conventions, meetings, or other out-of-state gatherings that are already required to be approved by the Executive Council pursuant to Iowa Code § 8A.512(2). The waiver applies to section 8A.512(2) travel *and* all other out-of-state travel for any purpose that is not otherwise excluded under this fact sheet. All out-of-state travel after March 7 needs a waiver, even if the travel has been previously approved by the Executive Council.

Travel by Employees. The waiver requirements of HF 45 apply only to employees of executive branch departments and agencies. State-wide elected officials and appointees to boards and commissions who are compensated by a per diem pursuant to Iowa Code chapter 7E are not subject to the waiver requirements for out-of-state travel.

Canceled Trips: If you previously received Executive Council approval and elect not to seek a waiver (cancel the trip), you DO NOT need to notify the Council.

Statutory Grounds: Travel must meet one of the following statutory grounds to qualify for a waiver from the Executive Council:

- Fulfills statutorily required duties.
- Has a potential to bring cost savings or enhanced revenues to the state.
- Has a benefit or potential benefit which significantly outweighs the

potential cost.

Waiver Criteria: In assessing the statutory grounds, the following waiver criteria apply:

- **Fulfills statutorily required duties.** Travel must be necessary to meet specific statutory duties and the specific statute must be cited.
- **Has a potential to bring cost savings or enhanced revenues to the state.** The specific program that will receive cost savings or enhanced revenues as a result of the travel must be cited and an estimate of the savings or revenue attributable to the travel must be provided.
- **Has a benefit or potential benefit which significantly outweighs the potential cost.** To satisfy this statutory ground, one of the following circumstances may apply:
 - ✓ A nonrefundable ticket was purchased or a nonrefundable registration was paid *before* March 7, 2011.
 - ✓ Travel is necessary for the employee or program to meet or maintain certification, licensure, or other qualification for the current employment. The certification, licensure, or other qualification must be specified.
 - ✓ Travel is necessary to attend training on new or changed program requirements when the failure to obtain such training may result in noncompliance that could cause the loss of funds or could cause penalties to be assessed against the state. The program on which training is required must be specified.

Relative Importance of Out-of-State Travel: For purposes of Executive Council Waiver provisions, out-of-state travel must be “relatively important” to the statutory grounds in HF 45 to require submission of a waiver request. This includes any travel in which costs are incurred and reimbursement is requested for expenses outside of Iowa when an overnight stay is required. Costs would include, but are not limited to: meals, hotel/motel, and mileage. If no overnight stay is required at a location out-of-state, the out-of-state travel is merely incidental and no waiver form needs to be submitted. All incidental travel out-of-state is waived.

Department Heads and Agency Directors: All requests for a waiver from the Executive Council must be signed and submitted by the department head or agency director.

Waiver by Category: Agencies with employees who routinely participate in out-of-state travel that requires overnight stays may submit a letter requesting a waiver for the travel by category in lieu of submitting individual waiver forms. The letter should explain the nature of the work that routinely requires out-of-state travel with an overnight stay. The Executive Council may, in its discretion, grant a waiver to an agency by category.

Process (if convention/conference travel was previously approved by the Executive Council and waiver IS required):

- Complete the Waiver Request Form and email a PDF of the form to executivecouncil@iowa.gov
- Waiver approvals will be posted online at <https://governor.iowa.gov/constituent-services/executive-council-of-iowa>

Process (if convention/conference travel and waiver IS required):

- Complete the Executive Council form as normal and mail
- Complete the Waiver Request Form and email a PDF of the form to executivecouncil@iowa.gov
- Waiver approvals will be posted online at <https://governor.iowa.gov/constituent-services/executive-council-of-iowa>

Process (if convention/conference travel and waiver is NOT required):

- Complete the Executive Council form as normal and mail
- No change in the current process

Process (if normal job duties):

- Complete the Waiver Request Form and email a PDF of the form to executivecouncil@iowa.gov

- Waiver approvals will be posted online at <https://governor.iowa.gov/constituent-services/executive-council-of-iowa>

Council Meetings: The Executive Council meets every Monday at 10:00. All waivers received by the previous Thursday at noon will be considered at the Monday meeting.

Post-Approval: In limited circumstances, the Council would consider providing a waiver after the fact or after the need to encumber costs. You must complete the waiver form, email it to executivecouncil@iowa.gov and include "AFTER THE FACT WAIVER REQUEST" in the subject line. It will be considered at the next meeting as a post-approval.

This fact sheet is designed to answer questions regarding travel. If you have additional questions, send an email to executivecouncil@iowa.gov and your question will be reviewed by a Council member. You can obtain copies of the waivers once they have gone through the Council at <https://governor.iowa.gov/constituent-services/executive-council-of-iowa>.

EXECUTIVE COUNCIL Out-Of-State Travel Waiver Justification

This waiver justification is to be completed for every out-of-state trip requested between March 7 and June 30, 2011.
If more than one employee is traveling, a separate form must be completed for each person.
See the Executive Council Waiver for Out of State Travel Fact Sheet for details.

Please answer all of the questions listed below.

Number of People on Trip: _____	
Name of Person Attending: _____	Working Title: _____
Department: _____	Division/Bureau/Section: _____
Will this trip require an overnight stay outside of Iowa? No: <input type="checkbox"/> Yes: <input type="checkbox"/> (If No, you do not need this waiver)	
City (Cities) Traveling To: _____	Dates of Travel: _____
Funding Source: <input type="checkbox"/> Appropriated State: _____ <input type="checkbox"/> Federal: _____ <input type="checkbox"/> Other: _____ If Other, Specify: _____ (If the appropriated state funds is 0% - you do not need this waiver)	
Total Projected Cost of Trip (Include Transportation, Mileage, Lodging, Meals, Registration, Parking, etc): _____	
Does this Trip Require Executive Council Approval for Conference/Convention? No: <input type="checkbox"/> Yes: <input type="checkbox"/>	
If Yes, Have You Received Approval? No: <input type="checkbox"/> Yes: <input type="checkbox"/> If Yes, Date: _____	
Reason for Travel Waiver (Select one) _____	
<input type="checkbox"/> Fulfills statutorily required duties (Cite the specific statute) _____	
<input type="checkbox"/> Has potential to bring cost savings or enhanced revenues to the state (Cite the specific program that will receive the cost savings or enhanced revenues and provide an estimate of the saving or revenues attributable to the travel) _____	

- ☐ Has a benefit or potential benefit which significantly outweighs the potential cost. See the current Executive Council Fact Sheet for qualifying criteria and provide that information on the lines below.

Department Director Signature _____

Date: _____

This form must be signed by a department head or agency director. Email a PDF of the form to executivecouncil@iowa.gov

*Additional information to assist you in completing this form.
See Fact Sheet for more complete information.*

- This waiver is required by HF45 from March 7 until June 30, 2011.
- If no overnight stay is required at a location out-of-state, the travel is considered incidental and no waiver form needs to be submitted.
- The Council meets each Monday at 10:00 a.m. Deadline for waiver is the previous Thursday at 12:00 noon.
- If your travel requires both Executive Council approval and the waiver justification due to a convention/conference, note that both processes must be completed separately. See Fact Sheet for further explanation.

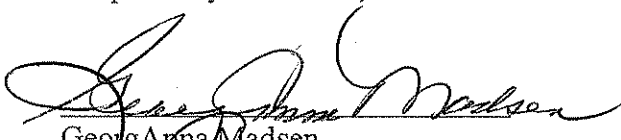
Executive Council Approval

The vote: Ayes: Governor Branstad
 Secretary Schultz
 Auditor Vaudt
 Treasurer Fitzgerald
 Secretary Northey
 Nays: None

The meeting was adjourned at 10:55 a.m.

Meeting
adjourned

Respectfully submitted,


Georganna Madsen
Executive Secretary